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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,733	09/15/2003	James H. Schwartz	1791A1	1487

7590 06/09/2004

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/662,733

**Applicant(s)**

SCHWARTZ ET AL.

**Examiner**

Leonid M Fastovsky

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20031208, 20040308</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words and contains extraneous words such as "invention" and "comprising". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-5, 7, 9, 11- 16, 18-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrysochoos et al (5,824, 993) in view of Carter et al (4,918,288).

Chrysochoos teaches a transparency having a heatable wiper rest area (Fig. 1-2) comprising a rigid transparent glass sheet 10 having major surface, a wiper rest heating arrangement comprising an electrically conductive member 36 positioned within the sheet 10 (col. 5, lines 45-50), a plurality of bus bars 40 positioned in electrical contact along the conductive member 36, a first lead 38 to electrically interconnect selected ones of the bus bars 40, a second lead 44 to electrically interconnect other selected ones of the bus bars 40, and the leads 38 extend between the edge of the conductive member 36 and the selected edge in the wiper rest area of the glass sheet. However, Chrysochoos does not teach an opaque band, the heating conductor being a silver coating, and an insulating member between the first lead and the second lead. Carter teaches a heated transparency that comprises a silver electrically conductive coating 28 (col. 3, lines 25-40), an opaque band 32, a layer 24 that is electrically insulates lead 40 from the coating 28 and a bus bar (lead) 34 (col. 4, lines 13-19). It would have been obvious to one having ordinary skill in the art to modify Chrysochoos's invention to include elements from Carter invention, namely a silver coating to exhibits a proper resistivity (col. 3, lines 35-43), an opaque band to conceal the bus bars and other elements of the heating circuit (col. 3, lines 48-50) and an insulating layer to insulate the lead 40 from the lead 34 as taught by Carter (col. 4, lines 13-19).

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As for claims 11-16, Chrysochoos teaches a first glass sheet 12, a plastic interlayer 18 and a second glass sheet 14.

As for claims 7 and 18, Chrysochoos teaches first and second connectors 42 that are electrically connected to the first and second leads 38 and 44.

5. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrysochoos in view of Carter and further in view of Holzer et al (5,099,104).

Chrysochoos in view of Carter teaches substantially the claimed invention but does not teach a second conductive coating isolated from first coating. Holtzer discloses two conductive coating 8 electrically isolated from each other (Fig. 2). It would have been obvious to one having ordinary skill in the art to modify Chrysochoos's in view of Carter invention to include a second coating electrically isolated from the first coating to serve as protective coating as taught by Holzer (col. 4, lines 5-19).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chrysochoos in view of Carter and further in view of Tarnopol et al (3,772,075).

Chrysochoos in view of Carter teaches substantially the claimed invention, but does not teach that the transparency is an automotive backlight. Tarnopol discloses an automotive backlight (col. 10, lines 21-29). It would have been obvious to one having ordinary skill in the art to modify the invention of Chrysochoos and Carter to include the transparency being an automotive tempered backlight as taught by Tarnopol (col. 10, lines 21-29).

7. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrysochoos in view of Carter and further in view of Koontz et al (5,877,473).

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Chrysochoos in view of Carter teaches substantially the claimed invention, but does not teach at least three spaced bus bars. Koontz discloses four bus bars 106-109. It would have been obvious to one having ordinary skill in the art to modify the invention of Chrysochoos in view of Carter to include additional spaced bus bars to electrically connect them to different power sources as taught by Koontz (col. 9, lines 26-35).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5886321 (wiper rest area), 5434384 (heating circuit for wiper arm), 5213828 (heatable windshield), 5122403 (opaque band), 4786784 (method for producing a heated window), 4725710 (low edge) .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leonid M Fastovsky  
Examiner  
Art Unit 3742

Imf